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WTO, GLOBAL GOVERNANCE AND CIVIL SOCIETY: 'Image cleaning' or real dialogue?

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I.- Global governance

The term global governance is much polemical. It appears in the nineties in the international organizations language in order to shut the critics over globalisation. But what does that mean exactly?

Generally, the word refer to the fact that globalization has to be governed, since the markets have proven unable to do so. To govern globalization, international organizations say they want to consult new actors, mostly from the business sector and civil society, and to establish a broad decision making process.

But global governance has no clear and precise definition, and we can say that international organizations make it operational in different ways and following different models. With its so-called dialogue with civil society, WTO is not apart of this movement towards the global governance strategy. The WTO's particular governance model has many limits, especially when it comes to its relation to civil society.



It is therefore important to understand better this turbulent relation. To do so, this presentation will explore the rules set in place by the WTO since 1995 and feed from the speeches of four Director General from Renato Ruggiero to Pascal



Lamy. As we will see, the evolution of the so called dialogue between WTO and civil society rests much more on WTO image problems after a wind up conference than on any democratization intention. That gives some indications on how this dialogue could turn up after the result or failure of Hong Kong.

II.- Transparency and democracy

In this so-called dialogue, the demands and critics expressed by civil society towards WTO were mainly directed on two sets of issues: transparency and democracy.

Transparency is a matter of communication. How does the public is supposed to be informed of the very important issues dealt inside this structure? Are the negotiations led in a way to promote all people's interests? How does the WTO gives access to its giantess's data base? Under what conditions? We will see that these issues of transparency are the first (and only) addressed by the WTO after the demands of NGOs.



The democracy issue at WTO is largely seen as one of participation. Which actors are included in trade negotiations? Which groups are included in the talks, is it exclusive to the most powerful ones? In the eyes of the WTO leaders these democracy issues seem much more difficult to address.

Our aim here is to show how the WTO staff and members have answered the transparency and democracy critics since its beginning. We'll see their answer is much more one of « image cleaning » than one of true collaboration, and that the WTO often answer the critic with another critic.

III.- The Marrakech Agreement and Ruggiero's speeches

Article V of the Marrakech Agreement plans to institute measures on consultation and cooperation with NGOs. However, these first directives strongly underline the intergovernmental status of WTO, which is a powerful limit to direct NGO participation in the trade negotiations. The role of NGOs, then, would rather be to inform the WTO about public interest issues related to the organization policy making.



Following these directives, the “opening” of WTO should materialize at three different levels: (1) the participation of NGOs to ministerial conferences as observers, which is the most restricted status an organization can have in any international forum; (2) the organization of non decisional symposiums where NGOs can put their concerns and priorities on the table and debate about it with WTO and delegations staff; (3)

and an intensification of information exchange between NGOs and WTO through the secretariat channel.

In this first age of the dialogue, the secretariat acts as the driving belt to communicate with NGOs and other civil society actors, as with the public in general. Here, what is called a participation process should be seen more as an information transmission operation.

At the discourse level, DG Renato Ruggiero stays completely faithful to this politic during the years of his reign (that is from 97 to 99). His praise of the WTO politic of dialogue relay on the secretariat as a driving belt for the communication between the mighty organization and the NGOs, saying that «this process has benefited greatly from the constructive engagement and contribution by the NGO community and that this demonstrates, more than anything, that the WTO and civil society to a very large degree share the same concerns and objectives»¹. But that was said before the Battle of Seattle, and before the snappy Mike Moore became the WTO Director General.

IV.- The second phase of opening and the reign of Mike Moore

The WTO 2000 annual report published after the failure of Seattle clearly adopted a critical tone towards the actors responsible for the collapse, which were blamed for adopting a pejorative conception of globalization.



¹ OMC (Renato Ruggiero). 1998. *The WTO and civil society. Comments by the Director-General to US NGOs*. En ligne: http://www.wto.org/english/forums_e/ngo_e/ngospe_e.htm (Consulté le 14 juillet)



In fact, it seems that the Battle of Seattle and the caustic critics addressed to WTO by civil society in regard of its lack of transparency and democracy have motivated a new round of opening. That next step in the WTO dialogue with civil society was designed explicitly, as the 2001 annual report stress it, in order to clean the organization's image and to engage in a Confidence building dynamic with the general public.

Between 2000 and 2002, the leadership of DG Mike Moore effectively contributed to improve the WTO's image towards the public, even though we can't find any meaningful innovation in the transparency policy, and no progress at all regarding the participation policy (or absence of policy).

This new confidence building round under the leadership of Mike Moore, is however served with a radical critic directed to the NGOs. In his speeches, Mike Moore accept the blames directed to WTO trade policies and call this constructive for the dialogue process, he says that critics coming not only from NGOs, but also from the public must be taken seriously. However, the former DG refuse all blames concerning the lack of transparency and democracy, saying that the WTO dialogue, as well as the governance approach of all other international organizations, shows that we «have moved from a century of coercion to a new millennium of persuasion»².



On the contrary, Mike Moore turns over the critic to the NGOs, which are the ones, according to him, that lack transparency and democracy. Which principle, will he asks, gives them the right to pretend they represent civil society? Snappy Mike Moore goes as far in his argument as saying that NGOs should be subjected to a code of conduct, just like the translational corporations.

Therefore, it is not by opening the negotiation process to NGOs that the WTO would gain legitimacy, but by opening to another group made up of the only real representatives of civil society, that is the parliamentarians. This very skilful critic can surely be discussed and contested, but the interesting part is that for

² OMC (Mike Moore). 2002. *Globalisation: the impact of the Doha Development Agenda on the free market process*. En ligne: http://www.wto.org/english/news_e/spmm_e/spmm77_e.htm (Consulté le 14 juillet).



the first time, WTO challenges the status of civil society's NGOs by opposing it to another group. But that would not be the last manifestation of this strategy, which appears right after a ministerial failure.

V.- Panichpakdi : a new strike against civil society

In fact, DG Moore will not have been the only one reacting to pressure coming from civil society with an aggressive strategy. The day after the Cancun failure, his successor DG Panichpakdi seems to herald a new degradation of WTO-NGOs dialogue. Just like here in Hong Kong, the NGOs were carrying the message to developing countries that no deal is better than a bad deal in Cancun. Because he thought the strongest way for southern countries to benefit from liberalization was to have a deal on the Doha agenda, Panichpakdi was then asserting on all tribunes that the «no deal is better than a bad deal» slogan was counter productive and would result in further increase of poverty in the South.



Therefore, we can say that if DG Moore played the NGOs against the parliamentarians, DG Panichpakdi played civil society against the developing countries. We can also remember that in Cancun, many negotiators, including European commissioner Peter Mandelson, had blamed the NGOs for the talks collapse. In this context, it would have been surprising to observe a new will for more opening of the WTO to civil society participation.

VI.- Pascal Lamy and the WTO as a common good

So we are now in Hong Kong, facing a likely new WTO failure, with a new DG proposing a renewed discourse on civil society. But one may ask if this discourse is really innovative?

Like his predecessor and according to the global governance paradigm, DG Pascal Lamy recognizes the free market doesn't benefit to everyone. That is why Lamy proposes more governance. In the global trade negotiations, this governance should rely on a new vision of the WTO, which would be seen as a common good of humanity: «the WTO itself is a universal set of values as it



crystallizes the parameters of the multilateral trade system, which I believe, Lamy says, is an international public good»³.

In this optimistic view of global governance, Lamy suggests that transparency is one of these universal values, and draw the picture further saying that we should bring civil society into a global economic and social council capable of functioning effectively. He doesn't say though what functioning effectively means, and we can think that it just means that it should have no power, except to the one NGOs already have in WTO, that is simply to tell their opinion and express their concerns.



These are Pascal Lamy's dreams, but we are in good right to ask how he will effectively manage the dialogue with civil society. Apart from his appearing beside OXFAM banners in the media, what is Lamy's way of dealing with NGOs

and other civil society groups? We had a good example of his polite and careful character last month, when a coalition of NGOs expressed through a letter to the DG his concern about the way the declaration project for Hong Kong ministerial was prepared. The answer of Pascal Lamy emphasize that NGOs would have interpreted wrongly the negotiation process, throwing back the debate to technical issues that no official media would ever bear to the public. Here again, everything seems to be played according to image maintenance strategy. We could therefore say that global governance has a lot to do with international organizations image.

Conclusion

In this presentation, we showed that the WTO brings forward a discourse of dialogue willingness in order to respond to a transparency imperative. This corresponds to an image cleaning strategy which excludes any real

³ OMC (Pascal Lamy). 2005 (21 oct.). *Vers une gouvernance mondiale?* En ligne : http://www.wto.org/english/news_e/sppl_e/sppl_e.htm



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democratization of the organization. Even though we can certainly maintain that NGOs have benefited to a certain extent from the first rounds of opening, in particular by gaining access to media coverage and public opinion, we are far from true transparency, accountability and democracy.

Moreover, the two critics addressed to NGOs by DGs Moore and Panichpakdi stressed that the concept of global governance is limited by its strategic uses. Talking about strategies implies the existence of power struggles, and it is obvious that civil society is engaged in such a struggle. In that sense we have to pay attention to what's going to be said about civil society after the meeting, because that will show how strong and dangerous it has become for WTO talks.

Let me finish by stressing the fact that there is two ways for WTO to engage relationship with civil society. The first, which is called dialogue or global governance, has been described here. The second materializes on the street and is handled with shields, batons and pepper sprays. Even though that can lead to a double level strategy for civil society (inside and outside the meeting), let's bet that the strongest strategy in this power struggle called global governance happens on the streets.

